

Addendum 2**PROGRAM REPORTS****Storm Water Program**

The Storm Water program includes several distinct program elements. These are:

- Municipal (Phase I and Phase II)
- Construction
- Industrial
- CalTrans

In general, the Storm Water program differs from many other programs in that it uses General Permits adopted by the State Water Resources Control Board. Those desiring coverage under these permits must submit a Notice of Intent (NOI) to the State Board indicating their intent to be covered under the General Permit and comply with its requirements. Exceptions to this process include Phase I Municipalities and CalTrans.

Municipal Separate Storm Sewer System (MS4)

The MS4 program consists of phase I for large municipalities, 100,000 population and greater, and Phase II (smaller cities and urban areas).

MS4 Phase I requires individual NPDES permits for six cities/urban areas in the Region. With the recent adoption of the Port of Stockton permit and approval of the Sacramento Area Wide Storm Water Management Plan (SWMP) and the Stockton SWMP we have eliminated the backlog in the Phase I Program. With the adoption of a more prescriptive permits over the last few years, staff is spending more time working with the permittees and reviewing Work Plans and Annual Reports. Staff is also working with a contractor (Tetra Tech) to audit MS4 programs. In May 2004, with our staff, Tetra Tech audited both Sacramento's MS4 program and the Stockton Area Wide MS4. We have requested Tetra Tech to audit Contra Costa County's MS4 this year. Contra Costa County's MS4 permit expires in June 2005 and will be revised to include changes that complement those required by the San Francisco Bay Regional Board, which shares regulatory responsibility for the County.

In response to Federal Phase II Storm Water Regulations, State Board adopted a Statewide General Permit for the Discharge of Storm Water from Small Municipal Separate Storm Sewer Systems (MS4s) in April 2003. The Phase II General Permit requires the designated municipalities to develop and implement six programs to minimize the impact of urbanization on water quality; Public Education, Public Participation, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control, Post Construction Storm Water Management, and Pollution Prevention/Good Housekeeping for Municipal Operations. Of the nine Regional Boards, the Central Valley Region had the largest number of municipalities designated under the General Permit. Fifty-five small municipalities within the Central Valley Regional Board submitted applications and Storm Water Management Plans to comply with the requirements.

The Sacramento office received thirty-seven application packages from traditional small municipalities for coverage under the General Permit. Before approving the Phase II applications for coverage under the General Permit, staff worked extensively with the municipalities, providing outreach to decision makers, reviewing storm water management plans for completeness and conformity to permit requirements, compiling comments, and meeting with municipal staff to discuss program revisions and implementation schedules. At this time, thirty of the municipalities are covered under the General Permit, three of the application packages are considered approved and are posted for a 60-day public comment period, and three are still undergoing the review and approval process. In addition, we designated three non-traditional small MS4s (Cal-Expo, CSU Sacramento, and Elk Grove Unified School District), requiring them to submit application packages for staff review.

Construction Program

The Federal Phase II Storm Water Regulations also affected the construction program and reduced the minimum soil disturbance criteria for the Statewide General Construction Storm Water Permit (GCP). Beginning in March 2003, all construction activities with 1 acre of soil disturbance or greater are required to obtain coverage under the GCP. At this time, approximately 4,000 construction projects located within the Central Valley Regional Board's jurisdiction are actively covered under the GCP.

Due to the large number of sites and the high potential for discharges from construction sites to adversely impact water quality, we have focused a significant amount of resources towards the construction program oversight. As a result of outreach and education efforts, an active field presence, and routine enforcement by Board staff, we have seen significant improvements in storm water compliance within the development industry. Although we note that industry compliance is improving, program oversight and compliance remain a challenge due to the ephemeral nature of construction activity coupled with the unprecedented high growth rate within our Region.

The Sacramento office currently regulate over 2,800 active construction sites covered under the GCP. This winter we are focusing our efforts on working with our Phase I and Phase II municipalities to assist them in developing and implementing their storm water construction oversight programs. We have found that partnering with our local municipalities in both program development and field efforts can greatly increase enforcement and regulatory oversight of the development industry, furthering our goal of compliance and the protection of water quality.

Industrial Program

There are about 1500 Industrial Storm Water sites within the Sacramento Office jurisdiction. All must submit an annual report. We have allocated a limited number of staff to the industrial program. To pick up the slack, a team of inspectors from Tetra Tech visits industrial sites during the wet season. These inspections frequently lead to Notices of Violation and follow-up by Regional Board staff.

Each industrial site filing a Notice of Intent to be covered under the General Industrial Permit must submit an annual report to the Regional Board. The Annual Report includes monitoring results for the prior wet season. Students are used in the summer to log in the annual reports and provide a cursory review. Failure to submit this report and to respond to deficiency letters can lead to a mandatory \$5,000 administrative civil liability.

Caltrans Phase I Statewide Storm Water Permit

We are also responsible for the oversight and enforcement of the Caltrans Statewide Storm Water Permit within our Region. The Statewide Permit regulates storm water discharges from all Caltrans properties, facilities, and activities. We work closely with Caltrans design, construction and maintenance staff, reviewing documents, conducting inspections, and taking enforcement action to ensure compliance with storm water regulations. In addition, we are involved with the permit renewal process coordinated by State Board staff. The permit renewal and adoption process is a cooperative effort between State and Regional Board staff and Caltrans representatives that requires considerable evaluation, justification and negotiation.

Enforcement

Enforcement is an integral part of the Storm Water program. Administrative Civil Liability collections over the past several years have been about \$0.5 million per year. Major enforcement cases have consumed significant amounts of staff time but they demonstrate our commitment to enforce the State's water quality laws.

Program Staff Resources

About 11 staff are assigned to the Storm Water Program. Of this total, about 2 PYs are allocated to Redding, 1.5 to Fresno and 7.5 to Sacramento. Due to a realignment of funds, stormwater funding in FY 2004-05 has been somewhat reduced. The reduction is being covered by leaving vacancies open longer than we would in previous years.

Issues

The major issues facing the Storm Water Program include:

- *Implementation of new municipal requirements.* Over the past several years most municipalities are newly permitted or have increased permit requirements. Municipalities have prepared good plans. A priority issue for our storm water program is to ensure implementation of these new programs, which include the implementation of construction and industrial oversight programs, illicit discharge identification and development standards for construction.
- *Non-filer program.* At one time State Board indicated that it would do an extensive non-filer search. This has not materialized and the problem of dealing with the large number of non-filers has been turned over to the regional boards.
- *Implementing a more robust industrial storm water program.* We need to raise awareness of our industrial program among those covered by the industrial storm water permits. Also, a more thorough review of annual storm water reports submitted by industrial permittees is needed.
- *Program funding.* Since new resources are not anticipated, our challenge is to make the most efficient use of existing resources.